

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRYCE FRANKLIN,

Petitioner,

vs.

No. CV 19-00450 JB/KRS

WARDEN HORTON, et al.,

Respondents.

ORDER TO CURE DEFICIENCY

Petitioner has submitted a habeas corpus petition. The Court determines that Petitioner's submission is deficient because Petitioner has not paid the \$5.00 filing fee or filed an Application to Proceed in District Court Without Prepaying Fees or Costs. Although Petitioner's transmittal letter (Doc. 1 at 18) states "[e]nclosed should be the 5\$ filing fee," there was no \$5.00 fee enclosed with the Petition. Petitioner must cure this deficiency within thirty (30) days from the entry of this Order by *either* paying the full \$5.00 filing fee *or* submitting an Application to Proceed in District Court Without Prepaying Fees or Costs. *See* 28 U.S.C. § 1915(a)(1). Failure to cure the designated deficiency within thirty (30) days from the entry of this Order may result in dismissal of this action without further notice.

IT IS THEREFORE ORDERED that within thirty (30) days of the entry of this Order, Petitioner shall *either* pay the full \$5.00 filing fee *or* submit an Application to Proceed in District Court Without Prepaying Fees or Costs. The Clerk is directed to mail to Petitioner a copy of this

order and two copies of the Application to Proceed in District Court Without Prepaying Fees or Costs with instructions.

A handwritten signature in black ink, reading "Kevin Smeagel". The signature is written in a cursive, flowing style. The first name "Kevin" is followed by the last name "Smeagel".

UNITED STATES MAGISTRATE JUDGE